

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Robert Kwan, Presiding
Courtroom 1675 Calendar**

Monday, May 3, 2021

Hearing Room 1675

2:00 PM
2:00-000000

Chapter

#0.00 All hearings on this calendar will be conducted remotely, using ZoomGov video and audio.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required. The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

Video/audio web address: <https://cacb.zoomgov.com/j/1613520184>

ZoomGov meeting number: 161 352 0184

Password: 417760

Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666

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For more information on appearing before Judge Kwan by ZoomGov, please see the "Notice of Video and Telephonic Appearance Procedures for Judge Robert N. Kwan's Cases" on the Court's website at: <https://www.cacb.uscourts.gov/judges/honorable-robert-n-kwan> under the "Telephonic Instructions" section.

To assist in creating a proper record and for the efficiency of these proceedings, please:

- Connect early so that you have time to check in.
- Change your Zoom name to include your calendar number, first initial and last name, and client name (*ex. 5, R. Smith, ABC Corp.*) if appearing by video. This can be done by clicking on "More" and "Rename" from the Participants list or by clicking on the three dots on your video tile.
- Mute your audio to minimize background noise unless and until it is your turn to speak. Consider turning your video off until it is your turn to appear.
- Say your name every time you speak.
- Disconnect from the meeting by clicking "Leave" when you have completed your appearance(s).

Docket 0

Tentative Ruling:

- NONE LISTED -

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2:13-17409 Ayers Bath (U.S.A.), Co.,Ltd.

Chapter 7

#1.00 TRIAL BY ZOOM RE: Renewed motion of Foremost Groups, Inc. to amend the judgment of the bankruptcy court to add Tangshan Ayers Bath Equipment Co. Ltd. as judgment debtor
fr. 1/19/21, 1/26/21, 4/19/21

Docket 118

***** VACATED *** REASON: Cont'd from 5/3/21 to 5/17/21 at 1:15 p.m.
per order entered on 4/27/21-mb.**

Tentative Ruling:

Updated tentative ruling as of 4/27/21. Off calendar. Continued by stipulation and order to 5/17/21 at 1:15 p.m. No appearances are required on 5/3/21.

Prior tentative ruling as of 4/19/21. Off calendar. The court on its own motion continues the final hearing on the motion to 5/3/21 at 2:00 p.m. because having considered the voluminous papers and authorities relating to the motion, the court has prepared a written tentative ruling on the motion to be issued shortly by docketed order which raises concerns and authorities not raised by the parties in the papers, and the court believes that the parties should have a prior opportunity to consider and address the tentative ruling at the final hearing. A formal order continuing the hearing to 5/3/21 at 2:00 p.m. is being entered. No appearances are required on 4/19/21.

Prior tentative ruling as of 4/13/21. No tentative ruling on the merits. Appearances are required on 4/19/21, but counsel and self-represented parties must appear through Zoom for Government in accordance with the court's remote appearance instructions.

Prior tentative ruling as of 1/25/21. The court has approved the stipulation of the parties for deciding the matter on the papers. Counsel should discuss and propose a date for the final hearing for argument once the briefing and submission of evidence are completed. The court will conduct the final hearing on Zoom for Government. Appearances are required on 1/26/21, and counsel must appear by telephone.

Prior tentative ruling as of 1/15/21. The court has reviewed the joint pretrial

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stipulation filed on 1/5/21 and notes that it is incomplete because the parties do not list their witnesses and objections to exhibits to be offered in their cases in chief as required by LBR 7016-1. Without this information, it is difficult for the court to determine the accuracy of the parties' two day trial estimate, which may be inadequate if there is a need for Chinese/English translation during cross, redirect and recross examination. The parties stated in the joint pretrial stipulation that witnesses are prohibited from giving testimony in China for foreign proceedings, and that appears to be limited to live testimony as opposed to written testimony in declaration form for direct testimony. If the court's understanding is incorrect, the parties should so advise. It is the normal procedure of this court in a civil trial to require direct testimony of nonadverse, cooperative witnesses to be presented by written declaration, and cross, redirect and recross examination to be conducted live. Also, in light of the current pandemic in which trials are not being conducted in person due to closure of federal courthouses in this judicial district, the court will discuss with the parties how the trial will be conducted remotely. The parties in the joint pretrial stipulation also referred to a possible motion to withdraw the reference due to a timely jury trial demand pursuant to LBR 9015-2, but stated that no motion to withdraw the reference will be made. While there will be no motion to withdraw the reference, it is unclear to the court that there is still an outstanding jury demand that needs to be addressed, and whether that means that if there is a right to a jury trial in this matter and a jury trial is still demanded, the parties consent to the bankruptcy court conducting a jury trial. Regarding motions in limine, the court believes it is more efficient to address issues which would be subject to motions in limine in advance of trial rather than during trial. Specifically, evidentiary objections to listed trial exhibits and direct testimony trial declarations should be interposed in writing in advance of trial.

Appearances are required on 1/19/21, but counsel and self-represented parties must appear by telephone.

Prior tentative ruling as of 7/31/20. Since discovery as extended ended on 7/17/20, the court will set the matter for a pretrial conference. The court requests that counsel review and be thoroughly familiar with Local Bankruptcy Rule 7016-1 regarding preparation of a pretrial stipulation to be submitted for the pretrial conference. The court will discuss scheduling of the pretrial

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conference and will preliminarily discuss the conduct of the trial which may be remotely by videoconferencing in light of the Covid-19 pandemic.
Appearances are required on 8/4/20, but counsel and self-represented parties must appear by telephone.

Party Information

Debtor(s):

Ayers Bath (U.S.A.), Co.,Ltd.

Represented By
Jeffrey S Renzi
Ryan S Fife

Trustee(s):

Alfred H Siegel (TR)

Represented By
Anthony A Friedman